

TRULINCS 54652509 - PARVIZ, MAHSA - Unit: SET-D-A

MAHSA PARVIZ
P.O. Box 13900
Seattle, WA 98198
bparviz@collin.edu
(972) 375-1202
Petitioner

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MAHSA PARVIZ,
Petitioner,

Cause No. 2:23-cv-01407-JHC-DWC

v.

NOTICE OF APPEAL (Dkt. 34)

HOWARD BARRON,
Warden,
Federal Detention Center SeaTac,

COLETTE PETERS,
Director,
Bureau of Prisons,
Respondents.



FEB 29 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BY

DEPUTY

COMES NOW, Petitioner MAHSA PARVIZ, and files this NOTICE OF APPEAL of the February 23, 2024 Order Granting Extension and Denying Miscellaneous Motions (Dkt. 34).

Petitioner specifically appeals this Court's denial of the February 15, 2024 "Motion for Counsel and Request for Expedited Ruling" (Dkt. 27) as the signed version of same has been on file since September 8, 2023 (Dkt. 1) and has not yet been ruled on.

DATE: February 23, 2024

Respectfully submitted,



/s/ Mahsa Parviz
MAHSA PARVIZ

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-----Parvis, Shamsi on 2/23/2024 9:51 PM wrote:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAHSA PARVIZ,		CASE NO. 2:23-CV-1407-JHC-DWC
Petitioner,		ORDER GRANTING EXTENSION
v.		AND DENYING MISCELLANEOUS
H. BARRON and C. PETERS,		MOTIONS
Respondents		

This matter comes before the Court on Respondents' Motion for an Extension of Time to File an Answer (Dkt. 23) and Petitioner's Motion for Entry of Order Granting § 2241 Petition (Dkt. 24), Motion to Appoint Counsel (Dkt. 27), Motion for Order Denying and Opposition to Motion for Extension of Time (Dkt. 28), Motion for Default Judgment (Dkt. 32), and Motion for Contempt and Judgment (Dkt. 33). After consideration of the relevant record, Respondents' Motion for an Extension (Dkt. 23) is granted. Respondent shall have up to and including March 11, 2024 to file an answer to the Petition. Petitioner's Motion for Order Denying and Opposition to Motion for Extension (Dkt. 28), Motion for Counsel and Request for Expedited Ruling (Dkt. 27), and Motions requesting default judgment and a finding of contempt (Dkts. 32, 33) are denied.

I. Extension of Time

Respondents' counsel requests an extension of time to answer the Petition because counsel must coordinate with the U.S. Attorney's Office in the Central District of California to properly respond. Dkt. 23. Petitioner opposes any extension of time. See Dkts. 26, 28.

This is Respondents' first request for an extension to file the answer and Respondents' need additional time to properly respond to the Petition. Therefore, Respondents' Motion for an Extension (Dkt. 23) is granted and Petitioner's Motion for Order Denying and Opposition to Motion for Extension (Dkt. 28) is denied. Respondent shall have up to and including March 11, 2024, to file an answer to the Petition.

II. Motion for Counsel and Request for Expedited Ruling

Petitioner filed a Motion for Counsel and Request for Expedited Ruling on February 15, 2024. Dkt. 27. This Motion was not signed by Petitioner. As it was not signed, Motion for Counsel and Request for Expedited Ruling (Dkt. 27) is denied without prejudice.

III. Request for Default Judgment

Petitioner requests default judgment be entered against Respondents. See Dkts. 32, 33. Petitioner also asks that the Court find Respondents and their counsel in contempt. Dkt. 33. "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Here, the Court has granted Respondents an extension of time to answer. Respondents' answer is due on or before March 11, 2024. As the time for filing

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an answer has been extended and, therefore, has not expired, Respondents are not in default. See *Pamer v. Schwarzenegger*, 2009 WL 2824748, *1 (E.D. Cal. Sept. 1, 2009) (finding the defendant was not in default when the time to file a responsive pleading had not expired). Furthermore, even if Respondents fail to file a timely answer, "[t]he failure to respond to claims raised in a petition for habeas corpus does not entitle the petitioner to a default judgment." *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990). As the time for filing an answer has not run and as the failure to respond to habeas claims does not entitle Petitioner to default judgment, Petitioner's requests for default judgment and a finding of contempt (Dkts. 32, 33) are denied.

IV. Conclusion

After consideration of the relevant record, Respondents' Motion for an Extension (Dkt. 23) is granted. Respondent shall have up to and including March 11, 2024 to file an answer to the Petition. Petitioner's Motion for Order Denying and Opposition to Motion for Extension (Dkt. 28), Motion for Counsel and Request for Expedited Ruling (Dkt. 27), and Motions requesting default judgment and a finding of contempt (Dkts. 32, 33) are denied.

Dated this 23rd day of February, 2024.

David W. Christel
Chief United States Magistrate Judge

DETENTION CENTER

SEATTLE WA 980



Mahsa Parviz

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WA. 98198-1090

US District Court

FILED
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RECEIVED

MAIL

Attw: Clerk (file in 2:23-CV-01407-JHC-DWC)

FEB 29 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEPUTY

700 Stewart St.

Seattle WA 98101
98101-446999

